

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

NANETTE N. MASON,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

---

No. 2:20-cv-02839-TLP-atc

---

**ORDER ADOPTING REPORT AND RECOMMENDATION**

---

Pro se Plaintiff, Nanette Mason, sued Defendant, Federal Express Corporation, alleging discriminatory conduct under Title VII of the Civil Rights Act of 1964. (ECF No. 1.) Under Administrative Order No. 2013-05, the Court referred this case to a United States Magistrate Judge for management and for all pretrial matters. Magistrate Judge Christoff (“Judge Christoff”) screened the case, under 28 U.S.C. § 1915(e)(2)(B) and Local Rule 4.1(b)(2), and issued a Report and Recommendation (“R&R”) recommending that the Court dismiss Plaintiff’s complaint because it failed to state a claim. (ECF No. 10 at PageID 36.) However, Judge Christoff also suggested that the Court provide Plaintiff an additional thirty days to amend her complaint; and, if Plaintiff amended, to conduct another round of screening of that amended complaint. (*Id.*) In response, Plaintiff amended her complaint (ECF No. 11), and the Court adopted the R&R, dismissing Plaintiff’s original complaint without prejudice (ECF No. 12).

After a second round of screening, Judge Christoff issued another R&R, again recommending that this Court dismiss Plaintiff’s claims without prejudice and provide her an additional thirty days to amend her complaint. (ECF No. 13.) Judge Christoff reasoned that

“Plaintiff’s Amended Complaint is substantively identical to her original Complaint.” (*Id.* at PageID 46.) Critically, Plaintiff, using the court-supplied complaint form, checked the box for Title VII discrimination but only described disability-based discrimination. (*Id.* at PageID 46–47.) As Judge Christoff noted, “it appears [Plaintiff] intends to assert a claim under the Americans with Disabilities Act of 1990,” but failed to indicate as such in her complaint. (*Id.* at PageID 47.) As a result, Judge Christoff recommended that Plaintiff’s complaint be dismissed and that she “be given another thirty days to amend her claims against Defendant.” (*Id.*) Plaintiff did not object to the R&R, and the time to do so has expired.

And after reviewing Judge Christoff’s R&R, along with Plaintiff’s amended complaint, this Court **ADOPTS** the R&R and dismisses Plaintiff’s complaint **WITHOUT PREJUDICE**. Plaintiff shall have through June 13, 2022, to amend her complaint again.

**SO ORDERED**, this 11th day of May, 2022.

s/ Thomas L. Parker  
\_\_\_\_\_  
THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE